UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,663	08/31/2001	Valiyolah Tadayon	85252/484318	4092

7590 04/20/2005	EXAMINER
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201 E. Fifth Street	ART UNIT	PAPER NUMBER
Cincinnati, OH 45202-4182	2179	

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/944,663	TADAYON ET AL.
	Examiner	Art Unit	
	Truc T Chuong	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *09 August 2004*.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *2-5* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *2-5* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *09/20/04*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This communication is responsive to Amendment, filed 08/09/04.

2.   Claims 2-5 are pending in this application. In the Amendment, claims 2, and 4-5 are

independent claims, claims 2-4 are amended, and claim 1 is cancelled. This action is made final.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 2-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Barney et al.

(U.S. Patent No. 6,212,512).

As to claim 2, Barney teaches a computerized file system comprising:

a. an underlying computerized file system (Abstract, underlying database, tree

hierarchical representation, e.g., col. 5 lines 52-65, fig. 4);

b. a database wherein said database provides storage (database is used to record

information about files, e.g., col. 2 line 61-col. 3 line 25) for:

i.   at least one pointer corresponding to a location associated with a

plurality of objects in said underlying file system, said objects

comprising at least a first object and a second object (a particular folder

having files grouping under the same hierarchical tree, e.g., fig. 4),

wherein said plurality of objects comprise one or more of the following: a

text file (Protection List Text File, e.g., col. 6 lines 44-55, document files,

col. 9 lines 10-18), music file, multimedia file, compressed file, uniform

resource locator, contact, memo, bulletin board posting, or calendar; and

iii.   at least one instruction corresponding to a virtual location

associated with each of said objects (options, e.g., col. 5 lines 33-65;

clicking on the displayed a folder will cause the next level of related

content to be populated and displayed, col. 9 lines 48-65);

c. a graphical user interface which provides a manipulable display wherein said

graphical user interface interprets said at least one instruction to present said virtual

location of said objects and wherein said second object may be manipulated and

displayed as a virtual child of said first object (browse hierarchical root, e.g., col. 3 lines

5-25, col. 6 lines 13-16, col. 9 lines 34-47; and the files can be copied/moved/saved in a

different location for later retrieving, Abstract, col. 10 lines 4-20).

As to claim 3, Barney teaches a computerized file system, as claimed in Claim 2, wherein

said database also provides storage for at least one pointer corresponding to a location associated

with a directory in said underlying file system (browse hierarchical root, e.g., col. 3 lines 5-25,

col. 6 lines 13-16, col. 9 lines 34-47; and the files can be copied/moved/saved in a different

location for later retrieving, Abstract, col. 10 lines 4-20); and

said graphical user interface comprises a wizard comprising at least one screen

comprising at least one step for defining a rule for association with each of said objects or said

directory (The Protection List Editor Scheduler 226 component is a standalone utility that allows

the user to create and modify a profile of files on their system that they would like to have

protected on a regular basis. Individual files, file types, whole folders and sub-folders, as well as

wild carded entries may be added or removed from the Protection List from this component. The

user may also choose to protect the files immediately and/or specify a schedule that is to be

applied such that the files are automatically protected regularly per the schedule, sic, col. 7 lines

20-35).

As to claim 4, Barney teaches an enhanced computerized file system comprising:

a. an underlying computerized file system (Abstract, underlying database, tree

hierarchical representation, e.g., col. 5 lines 52-65, fig. 4);

b. a database including:

i.   a portion of memory for storing at least one pointer corresponding

to a location associated with a plurality of objects in said underlying file system,

said objects comprising a first object and a second object (Data Protection

Software 120 and Primary Storage Device 112; a particular folder having files

grouping under the same hierarchical tree, col. 5 lines 18-33, and figs. 1 & 4),

wherein said plurality of objects comprise one or more of the following: a text file

(Protection List Text File, e.g., col. 6 lines 44-55, document files, col. 9 lines 10-

18), music file, multimedia file, compressed file, uniform resource locator,

contact, memo, bulletin board posting, or calendar;

ii.   a portion of memory for storing at least one instruction

corresponding to a virtual location associated with each of said objects (Data

Protection Software 120, col. 5 lines 18-33; options, e.g., col. 5 lines 33-65;

clicking on the displayed a folder will cause the next level of related content to be

populated and displayed, col. 9 lines 48-65); and

iii.   a portion of memory for storing at least one pointer corresponding

to a location associated with a directory in said underlying file system (Existing

File Management Software, col. 5 lines 9-15, a particular folder having files

grouping under the same hierarchical tree, col. 5 lines 18-33, and figs. 1 & 4);

c. a graphical user interface (GUI) comprising:

i.   a manipulable display which presents said virtual location of each

of said objects wherein said second object may further comprise a child of said

first object (browse hierarchical root, e.g., col. 3 lines 5-25, col. 6 lines 13-16, col.

9 lines 34-47; and the files can be copied/moved/saved in a different location for

later retrieving, Abstract, col. 10 lines 4-20), and

ii.   a wizard which presents at least one screen comprising at least one

step for defining a rule for association with each of said objects or said directory

(The Protection List Editor Scheduler 226 component is a standalone utility that

allows the user to create and modify a profile of files on their system that they

would like to have protected on a regular basis. Individual files, file types, whole

folders and sub-folders, as well as wild carded entries may be added or removed

from the Protection List from this component. The user may also choose to

protect the files immediately and/or specify a schedule that is to be applied such

that the files are automatically protected regularly per the schedule, sic, col. 7

lines 20-35, and options, col. 5 lines 33-65); and

d. an application programming interface (API) (API, e.g., col. 11 lines 20-30)

which:

     i.   accepts commands from a user from said GUI (user commands)

(input information from different input devices, e.g., col. 4 lines 51-64);

     ii.   translates said user commands into a set of native commands to

          be run against said database and against said underlying file

          system to obtain an output (Menu Option, col. 5 lines 34-51, and

          see user commands, e.g., col. 9 line 48-col. 10 line 49, and fig. 4);

     iii.   processes said output (e.g., col. 9 line 48-col. 10 line 49, and fig.

4); and

     iv.   displays said output on said GUI (Retrieve Files, e.g., col. 8 lines

1-59).

As to claim 5, Barney teaches a method of enhancing a computerized file system

comprising:

     a.   associating an underlying computerized file system of a computer system

          with a database (Abstract, underlying database, tree hierarchical

          representation, e.g., col. 5 lines 52-65, fig. 4);

     b.   providing a memory location in said database for a pointer

          corresponding to a location for a plurality of objects stored in said

underlying computerized file system (Data Protection Software 120 and

Primary Storage Device 112; a particular folder having files grouping

under the same hierarchical tree, col. 5 lines 18-33, and figs. 1 & 4), said

objects comprising at least a first object and a second object, wherein said

plurality of objects comprise one or more of the following: a text file

(Protection List Text File, e.g., col. 6 lines 44-55, document files, col. 9

lines 10-18), music file, multimedia file, compressed file, uniform

resource locator, contact, memo, bulletin board posting, or calendar;

c.   providing a storage location for an instruction corresponding to a virtual

location associated with each of said plurality of objects (Data Protection

Software 120, col. 5 lines 18-33; options, e.g., col. 5 lines 33-65; clicking

on the displayed a folder will cause the next level of related content to be

populated and displayed, col. 9 lines 48-65);

d.   providing a storage location for a rule corresponding to each of said

plurality of objects in said database (The Protection List Editor Scheduler

226 component is a standalone utility that allows the user to create and

modify a profile of files on their system that they would like to have

protected on a regular basis. Individual files, file types, whole folders and

sub-folders, as well as wild carded entries may be added or removed from

the Protection List from this component. The user may also choose to

protect the files immediately and/or specify a schedule that is to be applied

such that the files are automatically protected regularly per the schedule, sic, col. 7 lines 20-35, and options, col. 5 lines 33-65);

e. providing a graphical user interface (GUI) (Windows Explorer, col. 5 lines 1-16);

f. presenting a manipulable display of said virtual location of each of said plurality of objects wherein said second object may further comprise a child of said first object (browse hierarchical root, e.g., col. 3 lines 5-25, col. 6 lines 13-16, col. 9 lines 34-47; and the files can be copied/moved/saved in a different location for later retrieving, Abstract, col. 10 lines 4-20), and

g. providing a wizard which presents at least one screen comprising at least one step for defining said rule for association with each of said objects or a directory associated with said underlying file system (The Protection List Editor Scheduler 226 component is a standalone utility that allows the user to create and modify a profile of files on their system that they would like to have protected on a regular basis. Individual files, file types, whole folders and sub-folders, as well as wild carded entries may be added or removed from the Protection List from this component. The user may also choose to protect the files immediately and/or specify a schedule that is to be applied such that the files are automatically protected regularly per the schedule, sic, col. 7 lines 20-35, and options, col. 5 lines 33-65); and

    h.   providing an application programming interface (API) (API, e.g., col. 11

lines 20-30) which:

        i.   accepts commands from a user from said GUI (user commands)

            (input information from different input devices, col. 4 lines 51-64);

        ii.   translates said user commands into a set of native commands to be

            run against said database and against said underlying file system to

            obtain an output (Menu Option, col. 5 lines 34-51, and see user

            commands, e.g., col. 9 line 48-col. 10 line 49, and fig. 4);

        iii.   processes said output (e.g., col. 9 line 48-col. 10 line 49, and fig.

            4); and

        iv.   displays said output through said GUI (Retrieve File, e.g., col. 8

            lines 1-59).

Response to Arguments

5.   Applicant's arguments filed in an Amendment have been fully considered but they are

not persuasive.

Applicants argued and Examiner disagrees for the following reasons:

a.   Barney is just a traditional folder/file tree hierarchy, and Barney does not teach

the objects comprise one or more of the following: a text file, music file, etc.

    Barney clearly discloses that the Underlying Database System is not just only the

    regular Windows Explorer but it is also the supporting database software to

    support different view of the information stored in the database, and the user can

configure different logical hierarchical views of the files located on removable

secondary storage media. Information may be grouped and put in a hierarchy

based on different dimensional criteria, such as by removable storage medium, by

source drive and directory path, by document set, by folders, or by application file

type. Some users may wish to browse hierarchies rooted from a specific

removable storage medium, while others may be more comfortable browsing a

hierarchy which reflects the original source of the information (e.g., col. 3 lines 5-

15). Fig. 4 shows document files or others, and Shell Extension 204 also adds the

file name and full path of each of the selected files to the Protection List Text File

(Protection List Text File, e.g., col. 6 lines 44-55, document files, col. 9 lines 10-

18, col. 6 lines 45-55).

b.   Barney teaches away from the Applicant's invention about the relationships

among children, parents or containers in the file system.

Barney teaches the relationships between parents and children files/folders based

on the criteria, i.e., text/document folders contains some source of extension (.txt,

doc, etc.) which corresponds/associates to the parent's folder in the hierarchical

manner which reflects the original source of the information (e.g., col. 3 lines 5-

15).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Truc T Chuong whose telephone number is 571-272-4134. The

examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Heather R. Herndon can be reached on 571-272-4136. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Truc T. Chuong

04/17/05

BA HUYNH
PRIMARY EXAMINER